



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 78/524,124
Applicant : K&B Underwriters, LLC.

Mark : **K&B UNDERWRITERS (MARK)**
International Class : 36
Filed : DECEMBER 7, 2004

Atty Docket No. : K&BU-0001-T1

Examiner : RAUEN, J.
Law Office : 109

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

TRANSMITTAL LETTER

Sir:

Please find enclosed for filing in connection with the above-identified matter are the following documents:

- Second Request for Reconsideration
- Appendices A-E
- Notice of Appeal under Trademark Rule 2.141
- Trademark Fee Transmittal
- USPTO Credit Card Payment (PTO-2038)

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. § 2.6 associated with this communication or credit any overpayment to Deposit Account Number 10-0233-K&BU-0001-T1.

Respectfully submitted,

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08-07-2006

U.S. Patent & TMO/TM Mail Rpt Dt. #33

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : K&B UNDERWRITERS, LLC
(a Virginia Limited Liability Company)

Mark : **K&B UNDERWRITERS (MARK)**

International Class(es) : 36

Filed : DECEMBER 15, 2004

Serial No. : 78/528,124

Law Office : 109

Examiner : James A. Rauen

Atty Docket No. : K&BU-0001-T1

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

SECOND REQUEST FOR RECONSIDERATION

Sir:

This is in response to the Final Office Action mailed February 7, 2006, the response period for which is set to expire on August 7, 2006. A Notice of Appeal, along with the appropriate fee, is filed concurrently with this Second Request for Reconsideration. Applicant filed a Request for Reconsideration on May 5, 2006 ("First Request for Reconsideration"), which was denied by the Examiner. Applicant respectfully requests reconsideration of the Final Office Action and requests that the Final Office Action be withdrawn.

REMARKS

In denying Applicant's First Request for Reconsideration, the Examiner stated that: "[a]fter careful consideration of the law and facts of the case, the examining attorney must deny the request for reconsideration and adhere to the final action as written since no new facts or reasons have been presented that are significant and compelling with regard to the point at issue." Applicant respectfully disagrees, and submits that the First Request for Reconsideration did present several significant and compelling facts and/or reasons to remove the refusal. Applicant reiterates all arguments made in the First Request for

Reconsideration as provided in this Second Request for Reconsideration and requests that the final Office Action be withdrawn and the mark allowed to publish.

The Examiner has refused registration under Section 2(d) of the Lanham Act of 1946, as amended, 15 U.S.C. § 1052(d), based on U.S. registrations for "KB HOME" and "KB HOME MORTGAGE." U.S. Registration No. 2,825,554 (hereinafter the '554 Registration) for "KB HOME" is currently used on: "mortgage lending and escrow services in connection with the construction and brokerage of single family and multiple family dwelling units." U.S. Registration No. 2,774,497 (hereinafter the '497 Registration) for "KB HOME MORTGAGE" is currently used on: "mortgage lending services in connection with the construction of, and to assist in the purchase of, single family and multiple family dwelling units."

I. Standard for Evaluating Likelihood of Confusion

To evaluate a likelihood of confusion rejection, the following factors enumerated in *In re E. I. Du Pont de Nemours & Co.*, 476 F.2d 1357 (C.C.P.A. 1973), and *In re Majestic Distilling Co.*, 315 F.3d 1311 (Fed. Cir. 2003), must be considered:

1. The similarity or dissimilarity of the marks **in their entireties** as to appearance, sound, connotation, and commercial impression.
2. The similarity or dissimilarity, and nature, of the good or services as described in an application or registration or in connection with which a prior mark is in use.
3. The similarity or dissimilarity of established, likely to continue, trade channels.
4. The conditions under which, and buyers to whom, sales are made, *i.e.*, "impulse" vs. careful, sophisticated purchasing.
5. The fame of the prior mark (sales, advertising, length of use).
6. The number and nature of similar marks in use on similar goods.
7. The nature and extent of any actual confusion.
8. The length of time during and conditions under which there has been concurrent use without evidence of actual confusion.

9. The variety of goods on which the mark is or is not used, *i.e.*, family marks.
10. The market interface between applicant and the owner of a prior mark.
11. The extent to which applicant has a right to exclude others from use of its mark on its goods.
12. The extent of potential confusion, *i.e.*, whether *de minimus* or substantial.
13. Any other established fact probative of the effect of use.

Under the *DuPont* test there is an insubstantial likelihood of confusion between Applicant's Mark and the '554 and '497 Registrations.

II. Dissimilarity of the Goods

Starting with the second factor, the dissimilarity of the goods, this factor clearly weighs in Applicant's favor when all of the reasons are taken into consideration. In support of the Examiner's position, the Examiner offered the following three points: (1) an unsupported assertion that it is commonplace for a single company to offer a wide range of financial services; (2) 20 printouts of registered marks that use both "insurance brokerage" and "mortgage lending"; and (3) the use of the expansion of trade doctrine to expand the scope of home building company to insurance. Applicant refutes all of these arguments of the Examiner as follows. First, in the recitation of services of Applicant's Mark, as well as the '554 and '497 Registrations, there is no overlap of the services and the services are not the same. Second, the definitions of the services between Applicant's Mark and the '554 and '497 Registrations are clearly distinguishable. Third, most state agencies regulate the services of insurance and mortgages under different agencies which indicates that the services are considered different services and industries in the marketplace. Fourth, while admitting that the services are different, the only evidence provided by the Examiner to support the proposition that the services are related is based on an improper reading of the recited services of the '554 and '497 Registrations, and even if read properly such evidence is scant. Reliance on the theoretical single company that offers a "wide range" of services

created by the Examiner is misplaced. Fifth, the expansion of trade doctrine should logically expand the normal field of business of the Registrant and should not expand a fictitious or non-existent field of business. Therefore, all of these reasons clearly show that the services recited by Applicant's application -- insurance brokerage -- would not cause a reasonable purchaser to confuse Applicant or its services with the housing and mortgage-related services recited by the '554 and '497 Registrations as coming from the same source, because the services are not similar.

A. Applicant's Mark and the '554 and '497 Registrations Do Not Recite the Same or Overlapping Services.

Applicant's mark is used in conjunction with insurance brokerage services. The '554 and '497 Registrations have a common owner, KB Home Corporation (hereinafter Registrant), and share similar services: mortgage lending services in connection with the construction of, and to assist in the purchase of, single family and multiple family dwelling units. The services recited in Applicant's application do not overlap with or share of the same services as the '554 or '497 Registrations. The fact that there is no services in Applicant's application that overlap with any of the services recited in the '554 or '497 Registration shows that both the Registration and Applicant do not consider the services to be related.

In addition to not overlapping, there is no competition between the services recited in both the Registrations and Applicant's application. This is evident from the fact that a company offering insurance brokerage services and a company offering mortgage lending do not compete for with the same products or for the same purchasers. A reasonable purchaser seeking insurance services would not encounter competing Company A providing insurance brokerage services and Company B providing mortgage lending services. *See*, Appendix A and B. The advertisements in Appendix A and the search results in Appendix B show that no company advertises or offers insurance

services with mortgage services. Instead the reasonable purchaser may encounter competing Company A and a different Company C providing insurance brokerage services. The same is true for a reasonable purchaser seeking mortgage lending services. See, Appendix C and D. The advertisements in Appendix C and the search results in Appendix D show that no company advertises or offers mortgage services with insurance services.¹ Even more pertinent in this situation is the fact the Registrant is not offering mortgage services in general, but mortgage services “in connection with the construction and brokerage of single family and multiple family dwelling units” and “in connection with the construction of, and to assist in the purchase of, single family and multiple family dwelling units.” (hereinafter referred to as “mortgage services in connection with the construction of homes”). Based on these recited services, a reasonable purchaser seeking mortgage services in connection with the construction of homes would not encounter competing companies offering insurance brokerages services. The lack of competition between the services is a strong factor against finding that a reasonable purchaser would be confused into believing that these services originate from a single source. See *Java Jazz, Inc. v. Jazzland, Inc.*, 109 Fed. Appx. 159, 160 (9th Cir. 2004) (finding no likelihood of confusing between a restaurant and an amusement park using the same mark since the markets are not overlapping). The differences in the services are clear since the recited services in both the Registrations and Applicant’s application do not overlap, and the absence of the overlapping services in the marketplace is demonstrated by the absence of competition between the services.

B. Services are Defined in a Distinguishable and Non-Overlapping Manner

The standard definitions of “insurance” and “mortgage” clearly refer to different activities. Insurance is defined as “coverage by contract whereby one party undertakes to

¹ Note that in Appendix C, there is one company with the name “Allied Mortgage & Insurance Co Ltd.” Applicant’s representative contacted this company and asked if it offers insurance. The answer was no. The same phone number is also listed as part of “Allied Mortgage Capital Corp.” See, Appendix E.

indemnify or guarantee another against loss by a specified contingency or peril." *See*, First Request for Reconsideration, Appendix A. Mortgage is defined as "a conveyance of or lien against property that is defeated upon payment or performance according to stipulated terms." *See*, First Request for Reconsideration, Appendix B. These definitions show that services involving "insurance" and "mortgages" are not commonly understood to be overlapping or similar services.² Therefore, the definitions of these services clearly show that insurance and mortgage services are commonly understood to be different and distinct types of services.

C. Insurance and Mortgages Are Regulated by Different State Agencies

The difference in services and industries is also demonstrated by the regulatory environment of insurance and mortgages services. All states regulate individuals and companies who provide insurance. All states likewise license individuals and companies who engage in mortgage lending. The regulation of both activities is commonly carried out by different agencies. Typically, agencies and their departments are formed to perform a central purpose. Thus, the fact that nearly all states have different agencies regulating the two different industries reflects the differences in the marketplace between insurance and mortgage lending. For example, in Virginia the Bureau of Insurance regulates insurance agents, while the Bureau of Financial Institutions regulates mortgages. *See*, First Request for Reconsideration, Appendix C. Also in New York, the Insurance Department regulates insurance agents, while the Banking Department regulates mortgages. *See*, First Request for Reconsideration, Appendix D. Also in California, the Insurance Department regulates insurance agents, while the Financial Services Division regulates mortgages. *See*, First Request for Reconsideration, Appendix

² Applicant notes that there was a typographical error in the First Request for Reconsideration, but that Applicant clearly intended to state that the definitions of "insurance" and "mortgage" are NOT the same or commonly understood to be the same. Applicant disclaims any previous statements to the contrary as a result of this typographical error, which appears to have been understood by the Examiner deciding the First Request for Reconsideration.

E. The Consumer Action web site provides a list of all of the state agencies for insurance and mortgages, and nearly all states regulate insurance and mortgages through difference agencies. *See*, First Request for Reconsideration, Appendix F. This evidence shows insurance brokerage and mortgage lending are sufficiently different since the services are regulated by different state agencies. Therefore, a reasonable consumer would not be likely to confuse the services of insurance and mortgage lending, and is not likely to be confused into believing that such services originate from a single source.

D. Evidence to Support Examiner's Assertions that the Services are Related Even Through the Examiner Admitted the Services are Not the Same is Improperly Based on Recited Services and if Proper the Evidence is Scant

The Examiner admitted that the services are different by stating that "they [the services of Applicant's mark and the services of the '554 and '497 Registrations] are not the same." *See*, Final Office Action, page 5. This admission is significant because even the Examiner recognizes the clear distinction between the services. However, without addressing this admission, the Examiner asserts that the goods or service of the marks at issue "need only be related in some manner." *See*, Final Office Action, page 5. To relate the admittedly different services, the Examiner relies on a conclusory statement that "[i]t is quite commonplace for a single company to offer a wide range of financial services, including both insurance brokerage and mortgages." *See*, Final Office Action, page 5. Applicant respectfully disagrees with the Examiner's conclusory statement for two reasons: 1) the evidence to support the conclusory statement is scant and 2) reliance on a theoretical single company is misplaced.

1. Analysis of Third Party Registrations: No Registrations Indicate Overlap of The Specific Listed Services

In support of the conclusory statement in the Final Office Action, the Examiner provides what at best is strained and misleading evidence relying on third party

registrations. According to the Examiner's search terms, which are shown on page 55 of the Final Action, the Examiner found 123 registrations that contain the services of "insurance brokerage" and "mortgage lending." Applicant notes that the '544 and '497 Registrations have specific services that are narrower than "mortgage lending" include "mortgage lending and escrow services in connection with the construction and brokerage of single family and multiple family dwelling units" and "mortgage lending services in connection with the construction of, and to assist in the purchase of, single family and multiple family dwelling units." (Hereinafter referred to as "mortgage lending in connection with construction of homes"). The Registrant specially limited the field to a particular type of mortgage service in connection with the construction of a home. This limitation is not surprising, since Registrant's main business is new home construction. See, First Request for Reconsideration, Appendixes H and I. Thus, it is unwarranted to broaden the recited services of the Registration. It is well established that in *ex parte* examination an application or registration is limited to the services recited. The Examiner made no such limitation by stating in the Final Office Action that the "registered services are 'mortgage lending.'" In making and sustaining this rejection the Examiner improperly broadened the services listed in the Registrations, without any reason, and used these broadened services to create an alleged similarity to Applicant's services. Without such an improper broadening, *none* of the 20 registrations provided by the Examiner or the 123 registrations found, but not provided by the Examiner, show that the combination of the services of "insurance brokerage" and "mortgage lending in connection with construction of homes" in a single registration. Therefore, the limited probative value that these third party registrations already had is further reduced to no probative value since none of the third party registrations show an overlap of the specific recited services with insurance services.

Even with this improper broadening of the services recited in the Registrations, there is scant evidence to support the proposition that these services originate from a single source. Of these 123 registrations, the Examiner only provided Applicant with 20

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registrations and no list of the registrations. However, what is not directly shown in the Examiner's search results is that the services of "insurance brokerage" and "mortgage lending" are *almost never related services* and only in a tiny fraction of cases do the services appear in the same registration. Furthermore, some of the 123 registrations are issued under 15 U.S.C. § 1126(e) and have little probative value. See, TMEP § 1207.01(d)(iii). Also some of the 123 registrations share the same owner, which further discounts the already limited probative value that all 123 registrations are unique pieces of evidence.

Since the Examiner failed to provide all 123 registrations or even a list of the 123 registrations and failed to conduct a thorough analysis of the search results, Applicant reconstructed the search in the First Request for Reconsideration. Using similar restrictions as the Examiner's search, Applicant has found the following number of live registered marks, as of April 26, 2006:

<u>Number of Registration</u>	<u>Goods/Services</u>
2764	Insurance Brokerage (See, First Request for Reconsideration, Appendix G)
2063	Mortgage Lending (See, First Request for Reconsideration, Appendix G)
130	Insurance Brokerage AND Mortgage Lending
4697	Insurance Brokerage NOT Mortgage Lending

Applicant, not the Examiner, provided a copy of all 130 registrations that have both insurance brokerage and mortgage lending services. See, First Request for Reconsideration, Appendix G. In analyzing Applicant's search results, the services of insurance brokerage and mortgage lending services appear together in only 2.7% (130 out of 4827) of all marks that recite insurance brokerage or mortgage lending services. On the other hand 97.3% of all marks recite only insurance brokerage or mortgage lending services, and not both. Only a tiny fraction of third party registrations combine both insurance brokerage and mortgage

lending services. Applicant recognizes that the Board and Examiner may use third-party registrations, which are not evidence that the marks shown there in are in commercial use, but that this evidence has only "some probative value to the extent that they serve to suggest that the listed goods and/or services are of a type which *may emanate* from a single source." See, *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1786 (TTAB 1993) (emphasis added). The probative value of such registrations is weak, especially since it is unsupported by any other evidence. The Examiner has had three opportunities to offer other supporting evidence and had failed to offer such evidence in the first office action, final office action or the denial of the First Request for Reconsideration. Correlation of less than 3% cannot and does not support the proposition that a reasonable consumer would believe that these two different services originate from a single source. Potential purchasers of new homes constitute at most tiny subset of potential purchasers of insurances from an insurance broker. Therefore, the evidence used by the Examiner to support the conclusory statement that the services are related is scant and fails to support the proposition that insurance brokerage and mortgage lending are related services.

Looking more closely at the 2.7% of registrations that recite both insurance brokerage and mortgage lending, there are only 75 unique registrations, *i.e.* those filed by a different registrant, and that are not a registration filed under 15 U.S.C. § 1126(e). More important than total number of registrations is the total number of unique registrations to different registrants, since the same registrant is more likely to use a similar list of goods on all of its marks in the same field. Taking these factors into consideration, the number of unique registrations is reduced to less than 1.5% of all the registrations, almost a 50% reduction in the already scant evidence provided by the Examiner.

Each of the 130 registrations found by Applicant is summarized in the table in the First Request for Reconsideration on pages 7-13. The table shows that there are only 75 unique registrants that related insurance brokerage with mortgage lending which are not registered under 15 U.S.C. § 1126(e). Note that the services of Registration No. 2,763,779,

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Lock and Locate, (Number 35), which included insurance brokerage, have been cancelled from that registration.

Based on careful analysis of the evidence cited by the Examiner, it is clear that the third party registrations fail to support the erroneous conclusion that “[i]t is quite commonplace for a single company to offer a wide range of financial services, including both insurance brokerage and mortgages.” To the contrary, there is *no* third party registration that shows the recited services of the Registration, or similar services, used in connection with insurance brokerage. Also, the third party registrations that are based on the unwarranted broadening of the services listed in the Registrations still only indicates that it is exceedingly rare for a single company to use a mark on both insurance brokerage and mortgage lending services. Without any evidence, only the Examiner’s admission that the services of Applicant’s mark and the services the ‘554 and ‘497 Registrations are different is left. Applicant agrees with the Examiner’s admission that the services are different.

2. Use of Theoretical Single Company is Misplaced

The Examiner relies on a conclusory statement that “[i]t is quite commonplace for a single company to offer a wide range of financial services, including both insurance brokerage and mortgages.” *See*, Final Office Action, page 5. This statement is misplaced since the single company to which the Examiner refers to is not applicable to the present Applicant or Registrant. Further, even if the company is defined, the Examiner stated that the single company may offer a “wide range of financial services.” However, the recitals of services stated in Applicant’s application and the ‘554 and ‘497 Registrations do not indicate that the parties’ services are being offered with a wide range of financial services. There is no other financial service that is recited in either Applicant’s application or in the ‘554 and/or ‘497 Registrations. Neither the Applicant nor the Registrant is seeking to register their marks for a wide range of financial services.

Instead, the Examiner created a theoretical company to manufacture an alleged similarity between the services. Therefore, this statement is inapplicable to the present Applicant or Registrant, and the use of the theoretical single company fails to demonstrate similarity between the services.

E. Expansion of Trade Should be Applied to Expansion of Registrant's Field of Business and Not to Fictitiously Expand the Recited Services

The Examiner also states that "any goods or services in the registrant's normal fields of expansion must also be considered to determine whether the registrant's goods or services are related to the applicant's identified goods or services." *See*, Final Office Action, page 5. The "expansion of trade" doctrine states that a "trademark owner is entitled to prevent registration or use of its mark on all products which might reasonably be expected to be produced by him in the normal expansion of his business." *In re General Motors Corporation*, 196 USPQ 574, 575 (TTAB 1977).

A proper application of the field of expansion requires determining the normal field of business of the Registrant and then determining the logical extensions from that normal field. This is different from the Examiner's interpretation which uses the services recited in the '554 and '497 Registrations as the normal field of business of the Registrant and then expands from those services. Since the test is whether it is logical to expand the Registrant's normal business, the emphasis should be placed on the normal field of business of Registrant, not a fiction that the Registrant's normal field of business is recited in each trademark registration. Registrant, KB Home Corporation, is a builder of homes. Of the 25 registrations and pending applications currently owned by KB Homes, only 8 registrations list mortgage services in International Class 36 and the rest of the registrations are for home building in International Class 37. *See*, First Request for Reconsideration, Appendix H. KB Home's web page states that "KB Home has been considered one of the best homebuilders in the country for nearly half of a century." *See*,

First Request for Reconsideration, Appendix I. Providing mortgage lending services in connection with the construction of homes is already an expansion from the Registrant's normal field of business – which is building homes. KB Home has already expanded into this service with the current Registrations. See, First Request for Reconsideration, Appendix I (note that financial portion of KB Home Corporation is under the Countrywide Family). A further expansion of a home builder, such as KB HOME, to provide insurance brokerage services, is not within the expected reasonable field of expansion of a home builder. Therefore, under the expansion of trade doctrine, it is not logical to expand the services of the Registrant using the '554 and '497 Registrations into insurance brokerage under the facts of this case, wherein the Registrant has already expanded beyond its normal business.

In conclusion, the second factor weighs overwhelmingly in support of a finding that there is no likelihood of confusion that the insurance brokerage services recited by Applicant would originate from the same source as the new home mortgage services of the '554 and '497 Registrations. Applicant has shown that there is no similarity between the services recited in the Applicant's application and the new home mortgage services recited in the '554 and '497 Registrations in terms of the types of services, in the marketplace, in the definitions, in the regulatory environment, or in third party registrations. The second factor weighs strongly in Applicant's favor.

III. Dissimilarity in Appearance, Sound and Commercial Connotations of the Between the Entire Marks

The first factor does not weigh against Applicant when the entire mark is taken into account. "When it is the entirety of the marks that is perceived by the public, it is the entirety of the marks that must be compared." *Opryland USA Inc. v. The Great American Music Show Inc.* 23 U.S.P.Q.2d 1471, 1473 (Fed. Cir. 1992); see *Estate of P.D. Beckwith, Inc. v. Commissioner of Patents*, 252 U.S. 538, 545-46 (1920) ("The commercial

impression of a trademark is derived from it as a whole, not from its elements separated and considered in detail. For this reason it should be considered in its entirety..."); *see also Giant Food, Inc. v. Nation's Foodservice, Inc.*, 710 F.2d 1565, 1570, 218 USPQ 390, 395 (Fed. Cir. 1983) (comparing GIANT FOOD and design and GIANT HAMBURGERS and design, viewed in their entireties); *Specialty Brands, Inc. v. Coffee Bean Distributors, Inc.*, 748 F.2d 669, 672-73, 223 U.S.P.Q. 1281, 1282-83 (Fed. Cir. 1981) (comparing SPICE VALLEY and SPICE ISLANDS, viewed as a whole); *Coca-Cola Co. v. Clay*, 324 F.2d 198, 199-200, 139 USPQ 308, 309 (C.C.P.A. 1963) (comparing COCA-COLA and CUP-O'-COLA, viewed as a whole).

A. The Appearance of Applicant's Entire Mark is Different from the Appearance of the '554 and '497 Registrations

Applicant's application is for the mark K&B UNDERWRITERS. The '554 Registration's mark is KB HOME and the '497 Registration's mark is KB HOME MORTGAGE. Applicant's mark is different in that it contains a term not present in the '554 or '497 Registrations, namely, underwriters. Applicant's mark does not use the exact terms of the '554 or '497 Registrations, namely home or mortgage. Also, Applicant's mark uses an ampersand to formally separate the letters K and B. These differences are significant when considered in the entirety because each point of difference between Applicant's mark and the '554 or '497 Registrations contributes to a different appearance which is not likely to cause confusion. Indeed, the only similarity between the marks is that they each contain the letter "K" followed at some interval by the letter "B."

Instead of focusing on the entire mark, the Final Office Action chose to ignore Applicant's entire mark and dissected a portion of the mark. The Final Office Action cites a number of cases to support the proposition that "it is well settled that it is more difficult to remember a series of arbitrarily arranged letters than it is to remember words or figures, for example, such that confusion is more likely between arbitrarily arranged letters than

between other types of marks.” See, Final Office Action, page 4. Based on these cases, the Final Office Action states that “[t]his line of decisions makes it clear that the marks in this case *must* be held confusingly similar.” See, Final Office Action, page 5. It appears that the Final Office Action is applying a *per se* rule, or at least a thin veil of a *per se* rule, to deny registration of Applicant’s mark. The TTAB has repeatedly moved away from using any *per se* rule in analyzing likelihood of confusion rejections. See, *Information Resources Inc. v. X*Press Information Services*, 6 USPQ2d 1034, 1038 (TTAB 1988) (no *per se* rule in determine the relatedness of computer goods); TMEP § 1207.01(a)(iv). The Final Office Action’s erroneous reliance on a “*per se* rule” is clear in reviewing the numerous citations in the Final Office Action. Each of these cases is clearly distinguishable from the present situation since each case involved marks consisting *only* of “a series of arbitrarily arranged letters” as shown in the table below. Furthermore, in each of these cases, the marks at issue were used by competitors on the same goods or services, as shown in the table below.

A summary of the cases is provided below.

Case	Marks Found to be Similar	Similar Services
<i>Weiss Associates Inc. v. HRL Associates Inc.</i> , 14 USPQ2d 1840, 1841 (Fed. Cir. 1990)	TMM and TMS	software systems
<i>Dere v. Institute For Scientific Information, Inc.</i> , 164 USPQ 347, 348 (C.C.P.A. 1970)	I.S.A. and ISI	printed publications
<i>Edison Brothers Stores, Inc. v. Brutting E.B. Sport-International GmbH</i> , 230 USPQ 530, 531 (TTAB 1986)	EB and EBS	Apparel
<i>In re Infinity Broadcasting Corp. of Dallas</i> , 60 USPQ2d 1214 (TTAB 2001)	KING-FM/KING-TV and KYNG	broadcasting services
<i>Crystal Corporation v. Manhattan Chemical Mfg. Co.</i> , 75 F.2d 506, 507 (C.C.P.A. 1935)	Z.B.T. and T.Z.L.B.	talcum powder
<i>Feed Service Corporation v. FS Services, Inc.</i> , 167 USPQ 407, 408 (CCPA 1970)	FSC and FS	livestock feed
<i>Cluett, Peabody & CO., INC. v. J. H. Bonck Company, INC.</i> , 156 USPQ	TTM and T.M.T.	apparel

Case	Marks Found to be Similar	Similar Services
401, 401 (CCPA 1968)		
Helena Rubinstein, INC. v. Hudnut, 92 USPQ 147, 147 (CCPA 1951)	RHR and HR	Cosmetics
Vitamin Corporation Of America v. American Home Products Corporation, 76 USPQ 611, 611 (CCPA 1948)	VCA and I.V.C.	vitamin preparations
ECI Division of E-Systems, Inc. v. Environmental Communications Incorporated, 207 USPQ 443 (TTAB 1980)	ECI and EC	electronic goods
Scott, Foresman & Company v. Scientific Film Company, Inc., 165 USPQ 287 (TTAB 1970)	SFC and SF	printed publications

In fact, some of the authority cited by the Examiner actually supports Applicant's position. In *Sales Analysis Institute, Inc. v. Sales Training, Inc.*, 181 USPQ 341 (TTAB 1973), the Board found no confusion between the marks STI and SAI. The Final Office Action misquoted this case by referring to the marks AOC and AO. As discussed above, none of these cases is instructive since Applicant's mark and the '554 and '497 Registration consists of more than a "series of arbitrarily arranged letters" and the services are not the same, as discussed above.

In addition, the Final Office Action improperly dissected Applicant's mark and the '554 and '497 Registrations to determine that the dominant feature of Applicant's mark is K&B and the dominant feature of the '554 or '497 Registrations is KB. Applicant disagrees with this characterization of the dominant feature as an artificial fiction based on a side-by-side comparison of the marks which does not consider any evidence of the dominant feature. Instead, the dominant feature of the '554 or '497 Registrations is KB HOME. This dominant feature is used repeatedly by the Registrant in other marks and on its website. See, First Request for Reconsideration, Appendixes H and I. Using Applicant's proper construction of the dominant feature, it is clear that the appearance of the '554 or '497 Registrations is distinct from the appearance of Applicant's mark.

Therefore, based on all these considerations, the appearance of Applicant's mark is different from the appearance of the '554 and '497 Registrations.

B. Commercial Connotation Created by Applicant's Entire Mark is Different from the '554 and '497 Registrations

Applicant's mark for K&B UNDERWRITERS conveys an entirely different commercial connotation than the '554 or '497 Registrations. First, Applicant's mark uses an ampersand, "&", which is not simply a replacement of the word "and," but rather a formal designator of a relationship between people, groups, organizations, companies, *etc.* See, First Request for Reconsideration, Appendix J. A close relationship between K and B is most clearly conveyed by the use of the ampersand. Ampersands are widely used to denote the close relationship between two distinct people, most commonly between spouses, *i.e.* Mr. & Mrs. Jones. Compared with the '554 or '497 Registrations which does not use an ampersand, there is no conveyance of a close relationship, but instead unity represented by the singular "KB," with absolutely no indication or connotation of a combination of two separate persons or entities. In contrast, the '554 and '497 Registrations do not convey two distinct people joined. This distinction in the commercial connotation creates two entirely different meanings and mitigates against finding a likelihood of confusion between Applicant's mark and the '554 or '497 Registrations.

Second, Applicant's mark conveys the impression of people, while the '554 and '497 Registrations convey the impression of a thing. Applicant's mark is for K&B UNDERWRITERS, which denotes people due to the close relationship conveyed by the ampersand and the use of a term that describes a person. The term "underwriters" refers only to a person engaged in underwriting. Adding the ending "er" is widely understood as a means for denoting a person's occupation or activity, *e.g.* driver, waiter, stocker, cashier, homemaker, banker, designer, *etc.* Compared to the '554 or '497 Registrations, quite the

opposite connotation is provided by the terms "HOME" and "HOME MORTGAGE." Those terms refer to items and not people. A home is not person or an occupation but a building or place. A home mortgage is not a person or an occupation but an intangible contract. Thus, the terms "K&B" and "UNDERWRITER" create a separate commercial impression from the '554 and '497 Registrations.

Therefore, Applicant's entire mark K&B UNDERWRITERS conveys the distinct commercial impression of a person or people, which is easily distinguishable and separate from the commercial impression of a thing created by the '554 and '497 Registrations.

C. The Sound of Applicant's Entire Mark is Different from the Sounds of the '554 and '497 Registrations

Differences in sound also distinguish the '554 and '497 Registrations from Applicant's mark. Differences in sound may be more important for services which are often spoken in commerce. The registered marks could reasonably be pronounced as: kā-bē hōm and kā-bē hōm mōr-gij, respectively. While Applicant's mark is reasonably pronounced as: kā-ænd-bē un-dər-rit-ərs. More importantly, a reasonable person saying Applicant's mark, K&B UNDERWRITERS, would not mispronounce Applicant's mark to sound similar to the '554 and '497 Registrations. One does not need perfect pronunciation to distinguish the sound of Applicant's mark from the sound of the '554 and '497 Registrations. Thus, the sound of Applicant's mark is distinct from the sound of the '554 and '497 Registrations

All of these factors make the '554 and '497 Registrations inherently different in appearance, sound and meaning from Applicant's mark. The sound factor weighs strongly in Applicant's favor.

IV. Other Factors to Consider

The third factor looks at trade channels. Applicant's services are sold directly from a person. However, the services of the '554 and '497 Registrations are limited. The trade channels are limited to mortgages sold with the construction of single family and multifamily dwelling units. The trade channel for the '554 and '497 Registrations are limited by the recited services to the purchasers of a mortgage from a builder of dwelling units. Applicant's trade channels are brokers and businesses seeking to sell insurance mostly to other businesses seeking protection from risks. Therefore, the trade channels of the '554 and '497 Registrations are limited and would not reasonably encompass the trade channels of Applicant's services. The third factor thus weighs in Applicant's favor.

The fourth factor looks at the sophistication of the purchasers. This factor definitely weighs in Applicant's favor because the purchasers of both services are sophisticated and therefore not likely to be easily confused by any trademark similarities. Applicant's customers are insurance brokerage businesses seeking to make sales to other businesses or individuals who want protection from risks, while the Registrant's services are provided to individuals financing what is usually an individual's largest purchase.

The fifth factor is the fame of the prior mark. In this case, the prior mark does not have enough fame to justify broad protection outside of the services listed in the '554 and '497 Registrations. This is a factor which is clearly in Applicant's favor.

The sixth factor is the number and nature of similar marks used on similar goods. The examiner has only found two other marks by the same Registrant, and those marks are not being used on substantially similar services, as discussed above. This is a factor which clearly weighs in Applicant's favor.

The seventh factor is the extent of actual confusion. Applicant is aware of no

Serial Number: 78/528,124

actual confusion to date, despite having operated for many years. This is a factor which clearly weighs in Applicant's favor.

The eighth factor is the length of time that there has been concurrent use without confusion. Applicant is aware of no actual confusion to date, despite having operated for many years. This is a factor which clearly weighs in Applicant's favor.

The ninth factor is the variety of goods or services on which the mark has been used. Applicant is seeking registration for one type of service, insurance brokerage. The '554 and '497 Registrations are registered for one type of services, mortgage lending. As discussed above these services would not indicate a common source. Further, both Applicant's mark and the '554 and '497 Registrations are limited to one type of services. This factor weighs in Applicant's favor.

The tenth factor is the relationship between the parties. There is no relationship between Applicant and the other party at this time or in the past. This is a factor which clearly weighs in Applicant's favor.

The eleventh factor weighs in Applicant's favor since the scope of the goods or services is clearly defined.

The remaining factors do not apply in this situation.

Therefore, the final refusal of Applicant's mark for K&B UNDERWRITERS under Section 2(d) is erroneous and should be withdrawn.

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In view of the foregoing, it is respectfully submitted that this application is in condition for allowance, and favorable action is respectfully solicited.

Respectfully submitted,



Michael C. Whitticar

Keith D Fredlake

Attorneys for Applicant

JAGTIANI + GUTTAG
Democracy Square Business Center
10363-A Democracy Lane
Fairfax, Virginia 22030
(703) 591-2664

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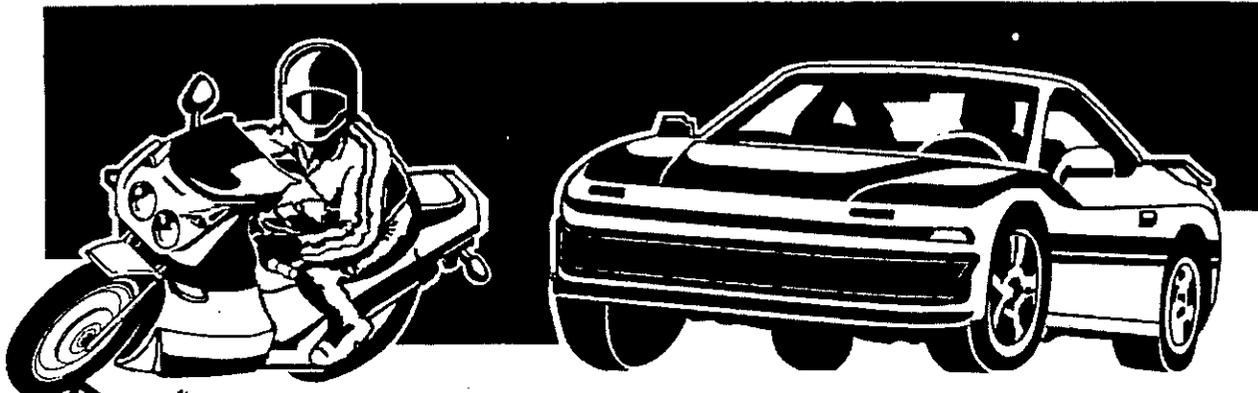
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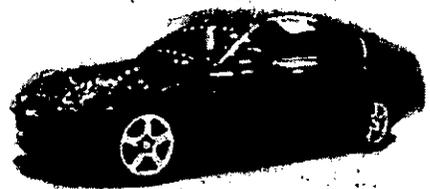
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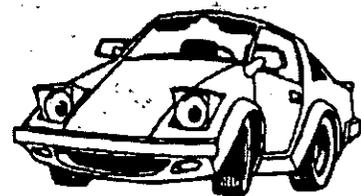
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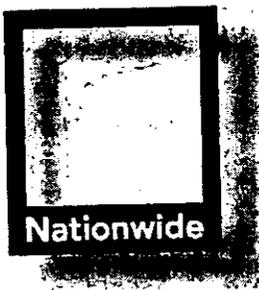


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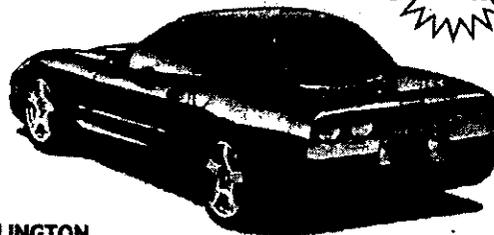
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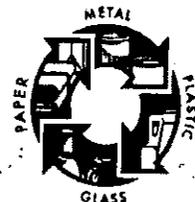
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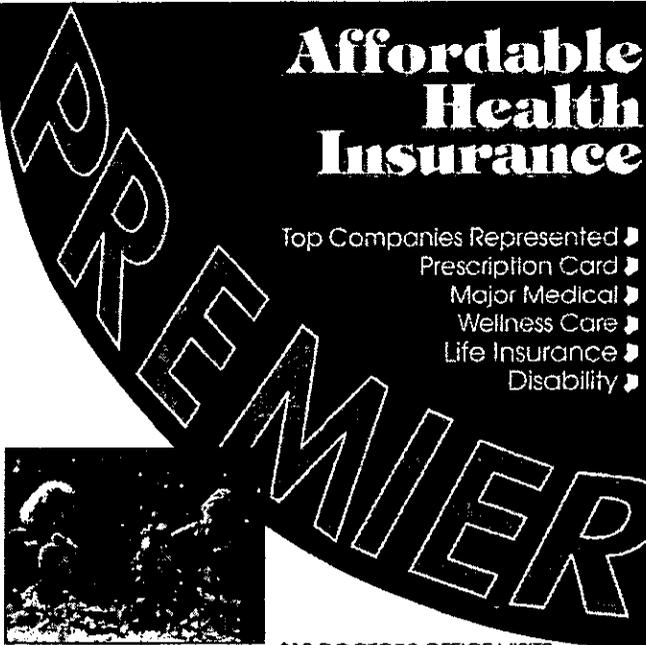
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MBIA INSURANCE COMPANY
Columbia Pike Suite 200 Arlington 703 920-3100

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Company
10513 Judicial Dr 703 591-2400
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INSURANCE COMPANY/NCRIC INC
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Connor David T 3975 University Dr Frib 703 352-9111
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11208 Balls Ford Rd Missas 703 257-7540
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Cook Insurance Agency
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8601 Westwood Center Dr Vienna 703 556-4040
Coverage Inc 14901 Boyle Dr Chntilly 703 631-8000

Coverage Inc
12355 Sunrise Valley Dr Reston 703 295-8600
Cowne And Weybright Inc
8805 Sudley Rd Missas 703 631-0492
Cowne And Weybright Ins
8805 Sudley Rd Missas 703 368-2151

Cowne & Weybright Inc
8805 Sudley Rd 703 368-2151
Craft Michael 7900 Sudley Rd 703 361-4600
Creekmore Livingston Inc
9300 Fomester Ln Missas 703 367-8970

Crosby Peter Insurance Agency Inc
10807 Main St Frib 703 934-5500
Crouch Geoffrey Insurance Annd 703 914-8999

CROUCH INSURANCE SERVICE
See Ad. Page 640
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Cryst & Associates Insurance Agency Inc
4031 University Dr Ste 200 Frib 703 934-2028
Crystal City Insurance Agency
576 23Rd St S Arlngtn 703 521-4544

Cushman Insurance Agency
775 Station St Herndon 703 435-3904
Cushman Insurance Agency
775 Station St Herndon 703 435-4021
Cushman Insurance Agency
775 Station St Herndon 703 471-4335

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8136 Old Keene Mill Rd Spngfld 703 913-6514
Cybercomp 8420 Dorsey Cir Missas 703 361-8777
D H Lloyd & Associates Inc
1625K Street NW Suite 400 DC 202 223-1506

D & J Insurance Agency
7518A Diplomat Dr Missas 703 368-1344
D'Alessandro Ariel 7115 Leesburg Pike 703 538-5452
Dam Doug 297 Herndon Parkway 703 435-4200

Danaher Insurance Agency
4200 Evergreen Ln Annd 703 642-3200
Datt Suman Ins 405 Glenn Dr Herndon 703 444-1100
David L Jones Insurance Agency Inc
111 S Fairfax Street 703 416-1166

Degges Jay 5675 Stone Rd Centreville 703 830-5900
Delgado Insurance Agency Frib 703 218-1553
Delta Dental Plan Of Virginia
4282 Wheelsted Caisson Sq Frib 703 691-8882

Demarest Everett A
2045 15th St N Arlngtn 703 527-1054
Demarest Insurance Agency Inc
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Dennis W Hutcheson Insurance Agency Inc
3918 Prosperity Av 703 573-4430
Dennis W Hutcheson Insurance Agency Inc
6969 Richmond Hwy Abndra 703 768-2600

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DIVERSIFIED BENEFITS AGENCY
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Diversified Benefits Agency
9438 Union Patch Dr Burke 703 455-8081
Dockett Charmaine 6231 Leesburg Pike 703 241-8100
Dodson George H Jr
125 Church St Ne Vienna 703 281-6800

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115 S Union St Abndra
Toll Free '1' 877 337-4513

Dotson Insurance Agency Inc
9438 Forestwood Ln Missas 703 361-4900
Douglas David 200 N Glebe Rd Arlngtn 703 243-0700

Downs & Associates Inc
950 Herndon Pkwy Herndon 703 834-3120
Dugan Terence F Insurance Service
101 E Holly Ave Strng 703 430-2500

Dulaney G Stephen
731C Walker Rd Gr Fils 703 759-4155
Dulles Insurance Services 703 437-1000
Dyve Insurance Agency Inc
14707-D Willard Rd Chntilly 703 968-9311

ERS LLC 1105 Clark St Herndon 703 318-0187
Eager Bainbridge & Associates Inc
1350 Connecticut Av NW DC 202 293-7666

Eisert Insurance Service
Metro In
22648 Glenn Dr Strng 703 318-8191
Local In
22648 Glenn Dr Strng 703 787-8191

Elite Assurance
4512 Old Columbia Pike Annd 703 642-8900
Elite Insurance & Legal
12944 Reburg Ct Wtdbrg 703 670-5515

Elite Insurance & Legal
8317 Centreville Rd Missas 703 369-0102
Elliott Kathy 1771 Featherstone Road 703 497-4400
Ellis Agency 320 Maple Ave E Vienna 703 938-9202

Emery Financial Service Inc
6707 Old Dominion Dr Mclean 703 714-7350
Employee Benefits
1410 Spring Hill Rd Mclean 703 760-0707

Employee Health Insurance Management
Inc
Vienna 703 242-3901
Enjetti Ernest 3219 Columbia Pike Arlngtn 703 920-3100

Equitable Life Assurance Society Of The
United States
3141 Fairview Park Dr Fils Chrch 703 207-0900
Equitable Life Assurance Society Of The
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6931 Arlington Rd Suite 304
Bethed MD..... **301 652-4000**
- A-A1040 Insurance Center**
Toll Free '1'..... **800 296-4427**
- National Choice Annuities**
Call..... **703 581-1508**
- PFS Investments Inc**
8700 Centerville Rd Missas..... **703 330-4533**
- Potomac Investments Inc**
601 King St Alexandria
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- AAA**
Toll Free '1'..... **800 222-4357**
Insurance Agency Toll Free '1'..... **800 207-7947**
Butler
Toll Free '1'..... **800 222-1469**
- A All Lines Insurance Agency**
4544B John Mari Dr Annd..... **703 642-9600**
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Alexandria VA..... **703-549-0000**

- ACL Insurance**
14352 Jeff Davis Hwy Wobrg..... **703 491-6191**
- Advantage Insurance Agency Inc**
8775 Mathis Ave Missas..... **703 369-7722**
- ALL DRIVERS INC**
See Ad. Page 647
PO Box 2580 Stafford..... **703 440-8323**
- BACKLICK & BRADDOCK ROAD**
INSURANCE AGENCY
See Ad. Page 647
5101-C Backlick Road Annd..... **703 941-1930**
- Battlefield Insurance Agency Inc**
10759 Ambassador Dr Missas..... **703 361-8209**
- BURKE & BURKE INSURANCE**
See Ad. Page 647
50 S Picket St Abndra..... **703 751-1001**
- Burke Julian T Inc**
216 Prince St Abndra..... **703 549-0744**
- Carter Agency**
4021 University Dr Frk..... **703 352-0211**
- Cowne And Weybright Inc**
8805 Sudey Rd Missas..... **703 631-0492**

- CROUCH**
See Ad. Page 647
3701 Pander Drive Suite 100 Frk..... **703 591-8300**
- Erie Insurance 3333 Duke St Abndra**..... **703 823-0600**
- Erie Insurance**
11781 Lee Jackson Memorial Hwy
Frk..... **703 385-5100**
- Erie Insurance**
6501 Sydenstricker Rd Burke..... **703 644-7366**

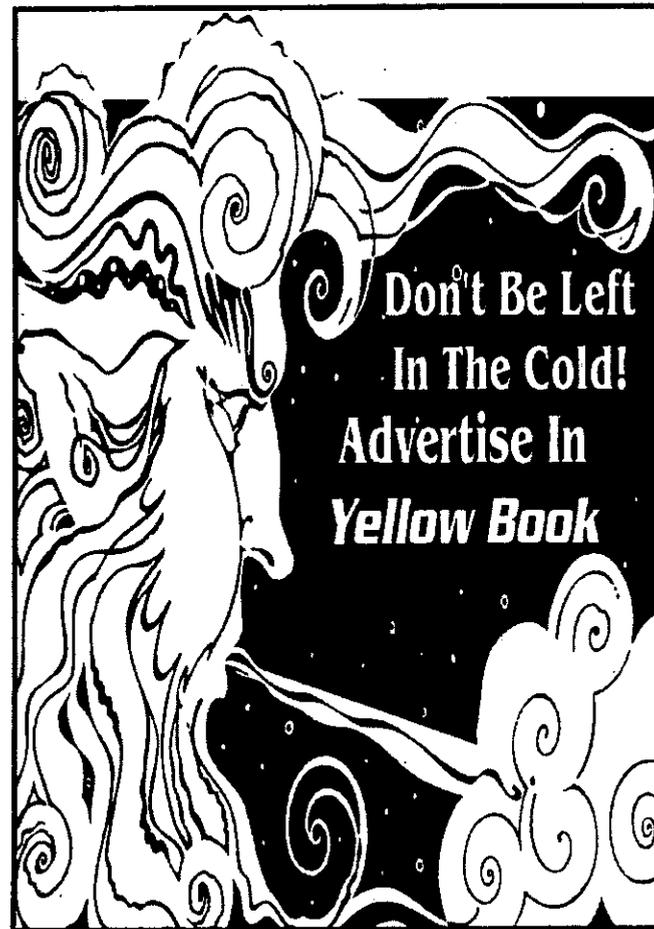
- FARMERS INSURANCE GROUP**
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7061 Brookfield Plaza
Springfield VA..... **703-644-6063**

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10690A Creshwood Dr Missas..... **703 368-8158**
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1308 Devils Reach Rd Wobrg..... **703 491-8060**
- Insurit 8807 Sudey Rd**..... **703 369-5566**

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South Riding VA..... **703-327-0079**

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9663 Lee Highway Suite No-4 Frk..... **703 273-7688**
- Keens Insurance Agency**
6647 Mathis Ave Missas..... **703 368-5100**
- Lockhart's Insurance Services**
3907 Georgia Av NW DC..... **202 829-6222**
- Marshall & Son Insurance**
6901 Old Keene Mill Rd Spngld..... **703 451-7450**
- Marshall's Auto Insurance**
13002 Occoquan Rd Wobrg..... **703 491-3001**
- MARSHALL'S & SON AUTO**
INSURANCE
See Ad. Page 647
6901 Old Keene Mill Rd Sta 205
Spngld..... **703 451-7450**
- Moore Charles W Jr**
10755-A Ambassador Dr Missas..... **703 361-0233**
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Reston..... **703 437-1000**
- HUE NGUYEN INSURANCE AGENCY INC**
6521 Arlington Blvd Fils Chrch..... **703 534-3683**
- MICHELLE LE INSURANCE**
6404 Seven Corners Plaza Ste P
Fils Chrch..... **703 534-1582**
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22384 Tackets Mill Dr Lk Bgg..... **703 499-8600**
- O'BRIEN INSURANCE AGENCY**
801 N Pitt St Abndra..... **703 838-9824**
- PUGH INSURANCE AGENCY INC**
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Fairfax County Parkway
203 Elden St Ste 302 Herndon..... **703 435-4322**
- R H NICHOLSON & COMPANY INC**
2105-G Gallows Road Vienna..... **703 883-1800**
- SCHMEIDER INSURANCE AGENCY INC**
6501-B Sydenstricker Rd Burke..... **703 644-7366**
- SHEEHAN INSURANCE GROUP INC**
15108 Washington St Haymarket..... **703 753-5488**
- SPICER MICHAEL A INSURANCE**
10560 Main St Frk..... **703 273-3800**
- BRANCH SERVICE OFFICE**
- ERIE INSURANCE GROUP**
7100 Forest Av Richmond..... **804 662-5400**
Toll Free '1'..... **800 322-3743**
Auto Glass Claims Service..... **800 552-3743**

- Erie Insurance 208 Elizabeth Ct String**..... **703 430-8335**
- Erie Insurance Frk**..... **703 268-0400**
- Erie Insurance Group**
Toll Free '1'..... **800 492-2709**
Auto Glass Claims Service..... **800 552-3743**
- Erie Insurance Group**
Toll Free '1'..... **800 322-3743**
Auto Glass Claims Service..... **800 552-3743**
- Erie Insurance Group**
5019 Backlick Rd Annd..... **703 658-1988**
- Erie Insurance Group**
203 Elden St Herndon..... **703 435-4322**
- Eugene Kim Insurance Agency Inc**
707 W Broad St..... **703 237-5105**
- Evans & Jones Insurance**
20921 Davenport Dr String..... **703 404-7240**
- Factory Mutual Ins Co**
2100 Reston Phry Reston..... **703 860-4101**
- Fahmy Kenneth H**
7647 Leesburg Pike Fils Chrch..... **703 760-4630**
- Fair Plan Toll Free '1'**..... **800 492-5670**
- Fairfax Insurance Group LLC The**
10195 Main St Frk..... **703 273-2069**
- Farley Financial Group Inc**
22638 Glenn Dr String..... **703 796-3510**
- Farm Bureau Insurance-Prince William**
9010 E Quarry St Missas..... **703 368-6813**
- Farmer Insurance**
6643 Arlington Blvd Fils Chrch..... **703 538-0233**
- Farmers District Office Spngld**..... **703 455-7810**
- Farmers Insurance 9401 Nazy Dr Frk**..... **703 503-1300**
- Farmers Insurance**
2701 Park Center Dr Abndra..... **703 845-0440**
- Farmers Insurance**
3975 University Dr Frk..... **703 359-7171**
- Farmers Insurance**..... **703 591-9390**
- Farmers Insurance Centerville**..... **703 988-9056**
- Farmers Insurance**
8001 Forbes Pl Spngld..... **703 764-9401**
- Farmer's Insurance**
101 E Holly Ave String..... **703 421-5754**
- Farmers Insurance**
6506 Lobsdale Rd Spngld..... **703 313-5000**
- Farmers Insurance**
7310 Mcwhorter Pl Annd..... **703 642-6600**

ellow Book USA, Inc 11887

- ner's Insurance
18 Old Keene Mill Rd Burke..... 703 455-3385
- ners Insurance
75 University Dr Frlb..... 703 352-3232
- ner's Insurance
75 University Dr Frlb..... 703 352-5252
- ners Insurance
75 University Dr Frlb..... 703 352-9110
- ners Insurance
75 University Dr Frlb..... 703 352-9111
- ners Insurance
81 Leesburg Pike Frlb Chrch..... 703 752-2220

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7061 Brookfield Plaza Springfld..... 703 644-6063
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- mers Insurance Group
713 Sudeby Rd Massas..... 703 330-7446
- mers Ins Group
309 Arlington Blvd Frls Chrch..... 703 204-9144
- mers Insurance Group
801 Forbes Pl Springfld..... 703 321-0345
- mer's Insurance Group
801 Forbes Pl Springfld..... 703 321-5300
- mers Insurance Group
844 Patrick Henry Dr Frls Chrch..... 703 237-3337
- mers Insurance Group
975 University Dr Frlb..... 703 691-1800
- mers Insurance Group
900 Forester Ln Massas..... 703 392-9222
- mers Insurance Group Of Companies
827 Columbia Pike Frls Chrch..... 703 824-0100
- Ja Najla 6506 Loistale Rd Springfld..... 703 313-5000
- DERAL INSURANCE FEDERATION INC
800 Hiltbard Dr Rivcl MD..... 301 468-9600

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- PATRICK MCCLUSKY
Astrbrn..... 703 464-4733
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703 924-7010
- rguson Jim 1301 Moran Rd..... 703 444-3600
- mandez Joe
800 Centerville Rd Ste 300..... 703 988-9909
- rraro Dick 11230 Waples Mill Rd Frlb..... 703 591-3400
- row Insurance Associates
299 E Trindle Rd Mechanicsburg
Foll Free '1'..... 800 464-3743
- ancial Concepts Of Virginia Inc
19271 Freedom Dr Reston..... 703 385-7450
- rdling Michael..... 703 352-3815
- erman's Fund Insurance Company
New Jersey & Delaware Areas Toll Free '1'..... 800 523-4180
- Pennsylvania Areas Toll Free '1'..... 800 523-4180
- Y Toll Free '1'..... 800 468-4044
- erman's Fund Insurance Company
10300 Falcon Pl Frlb..... 703 385-2400
- emen's Insurance Co Toll Free '1'..... 800 283-1153
- st Atlantic LLC Amdl..... 703 941-9235
- st Choice Insurance Agency Inc
2807 Park Center Dr Alexandria..... 703 998-7999
- RST COLUMBIA CORP OF VIRGINIA
3219 Columbia Pike Suite 200 Aringln..... 703 920-3100
- st Virginia Insurance Services Inc
3402 Arlington Blvd Frls Chrch..... 703 241-4444
- st Washington Corp The Mclean..... 703 556-9700
- ness Underwriters 10619 Jones St..... 703 591-9086
- Jrczyk Keith R
69950 Jennings Farm Dr Ste 190..... 703 430-5884
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69950 Jennings Farm Dr Srlng..... 571 434-2886
- rbes Paul 11710 Plaza America Dr..... 703 834-2700
- rlfs Ins Co 3923 Old Lee Hwy Frlb..... 703 359-6255
- undation Insurance Group
4620 Lee Hwy Aringln..... 703 527-8780
- nwikes Sereda Y
1593 Spring Hill Rd Vienna..... 703 556-7857
- aney Parr and Muha Inc Herndon..... 703 397-0977
- ank D Spicer Jr Inc
11781 Lee Jackson Memorial Hwy Frlb..... 703 385-5100
- ankln Life Insurance Co
307 E Gordon St Srlng..... 703 430-1189
- antz Gary P Ins Agcy Inc
13195 Ceresapeake Way Dl Cy..... 703 680-0012
- edman Adam
11710 Plaza America Dr Herndon..... 703 834-2700
- eeaman & Sherburne Insurance Inc
407 Church St Ne Vienna..... 703 938-8070



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Gordon Austin
703-750-9101 | Great Falls/McLean
Terry Kuruppu
703-534-0145 |
| Arlington
Rick McVeety
703-642-6408
<small>(Haltom City, Texas)</small> | Reston/Hemdon
Tim Cook
703-437-4555
<small>(Haltom City, Texas)</small> |
| Burke
John Martin
703-451-5901 | Springfield
Tom Storey
703-844-6390 |
| Castraville/Christlity
Bill Harvey
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Manassas	703-551-2997
Springfield	703-866-2879
Tysons	703-848-0556
Woodbridge	703-551-0639

Nationwide Insurance Company
 6929-C Little River Tpke Annd..... 703 750-9101

NICHOLSON R H & COMPANY
 See Ad. This Page
 2106-G Gallows Rd Vienna..... 703 883-1800

White Joseph Insurance Agency Inc
 5180 Parkstone Dr Chrlth..... 703 968-0800

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BUSINESS

- A All Lines Insurance Agency
45448 John Marri Dr Anndl.....703 642-9600
- A & R Associates Ltd
6379 Little River Tpk Abndra.....703 333-5100
- Alston & Associates
5234 Georgia Av NW DC.....202 829-2510
- Erle Insurance
11781 Lee Jackson Memorial Hwy
Frt.....703 385-5100
- Georgetown Financial Services
Washington DC.....202 686-9000
- Insurance Connection Corp
3800 Wheeler Ave Abndra.....703 370-5700
- Lockhart's Insurance Services
3907 Georgia Av NW DC.....202 829-6222
- Martin & Associates Insurance
Agencies
105 N Virginia Ave Fils Chrch.....703 241-2134
- Marx & Associates Ltd
5021 Backlick Rd Anndl.....703 941-4096
- McLean Insurance Agency Inc
6707 Old Dominion Dr Mclean.....703 790-5770
- Patron Insurance Services
3333 Duke St Abndra.....703 823-0600

COMMERCIAL

- ACL Insurance
14352 Jeff Davis Hwy Wctbrdg.....703 491-6191
- Insurit 8807 Sudley Rd.....703 369-5566
- Turner Insurance Services LLC
8428 Quarry Rd Mssas.....703 330-0001

DISABILITY

- Glasser & Associates Insurance Agency
Call.....703 385-6897
- Hartlow Group LLC
11321 Sunset Hills Rd Reston.....703 736-1660

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- Life Insurance
- Long Term Care Insurance

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- A-A1040 Insurance Center
Toll Free T.....800 296-4427
- Fairfax Insurance Group LLC The
10196 Main St Frt.....703 273-2069
- Financial Concepts Of Virginia Inc
11921 Freedom Dr Reston.....703 385-7450
- Group Benefits Designers Inc
249 S Van Dom St Abndra.....703 751-1080
- Hartlow Group LLC
11321 Sunset Hills Rd Reston.....703 736-1660
- Insurance Services.....703 573-1855
- Lindsay Benefit Svcs
9335 Bagpipe Ct Mssas.....703 368-4110
- WILSON SCOTT CFP**
See Ad. This Page
- Fairfax-Prince William.....703 568-8941

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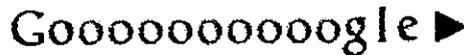
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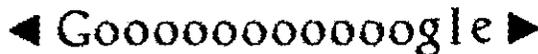
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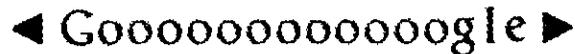
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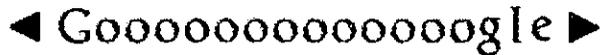
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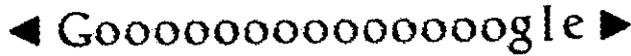
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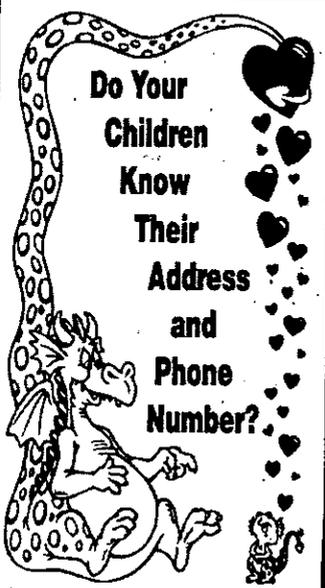
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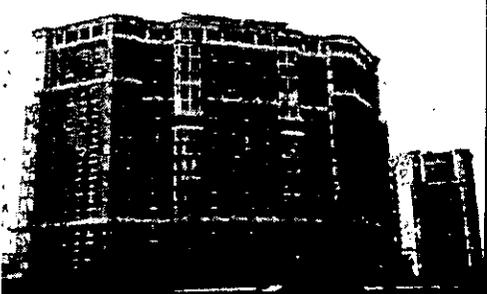
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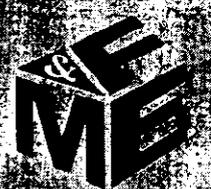
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Sumo Dr Clbn	703 815-1000
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Darby Brook Ct Wldbrg	703 492-5555
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Security Financial 207 E Holly Ave Spring	703 406-4626
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11126 Timberhead Ln Reston	703 715-2110
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11126 Timberhead Ln Reston	703 734-4105
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Southtrust Bank	703 837-0810
Springfield Mortgage Corporation	
5620 Flag Run Dr Springld	703 644-3085
Stonecreek Funding	
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Summit Mortgage	
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12731 Directors Loop	703 838-3150
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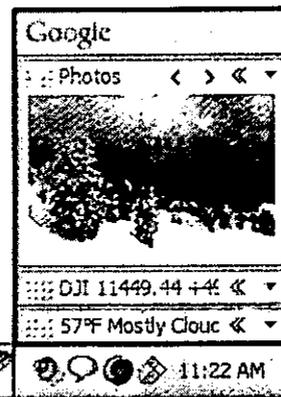
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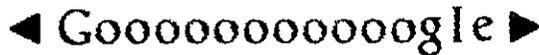
You can use a mortgage calculator to work out exactly what your repayments will be. ... To use a mortgage calculator, you must input all data carefully and ...
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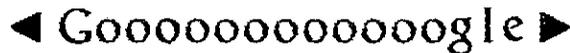
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District of Columbia

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Appendix E

Applied Mortgage Capital Corp.

List of Virginia Offices



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Abingdon, VA 24210

Keith Owens

Phone: (276) 619-HOME

Fax: (276) 619-4664

5105 -G Backlick Rd.

Annandale, VA 22003

Terry Green

Phone: (703) 533-5000

Fax: (703) 914-1448

5675 Stone Road, Ste. 330

Centreville, VA 20120

Eugene Fisher

Phone: (703) 266-2963

Fax: (571) 522-1112

Loan Officers

Tammy Brown, (540) 727-9400

Ida Cottoms,

Eugene Fisher, 540.727.9400

Stephan Harrington,

Jose Hernandez, (703) 266-2963

Lawanda Lewis,

Clair Wiltse, 703-266-2963

Arlene Wormley,

2496 Old Ivy Road, Ste 226

Charlottesville, VA 22903

Philip Mahone

Phone: (434) 293-5200

Fax: (434) 293-5240

Loan Officers

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Peter Cefaratti,
Challoner Chute, (434)293-5200
Michael Flaherty,
Alphonse Guarino,
Richard Lewis,
Thomas Mahone, (434)293-5200
Larry Saunders, 434-466-5662
Jeffrey Sharff,
Rachel Smith,
William Watson,

1417 N Battlefield Blvd, Ste 244
Chesapeake, VA 23320
Barbara Branco
Phone: (757) 548-5900
Fax: (757) 277-7080

3317 West Hundred Rd.
Chester, VA 23831
Dave Bayford
Phone: (804) 796-1173
Fax: (804) 796-5166

Loan Officers
Janice Patchen,
Charles Potts,

413 Mt. Cross Road, Suite 107
Danville, VA 24540
Ed Irvin
Phone: (434) 792-8100
Fax: (434) 792-4952

Loan Officers
Charles Barnett, (434)792-8100
Larry McGuire, (434) 792-8100
Donald Robertson, 434-792-8100

3975 University Drive, Ste. 100
Fairfax, VA 22030
Kevin Darcey
Phone: (703) 292-5671
Fax: (571) 921-1075

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Christopher Allen, 703-934-9315
Michael Barone, 703-385-1400 xt. 107
David Blum,
Joseph Brannon, (571) 292-5671

Michael Campbell, 703-766-8936
Alessandro Ciaccio, (703) 934-5400
Anthony Falcone, (703) 934-5400
Aaron Harper, 703-934-9318
Brent Morris, 703-934-9321
Joe Nelson,
Adam Newman, 703-934-9313
Terry Olsen, 703/754-2313
Christina Romeo, 703-385-1400
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